

## Peacebuilding Commission - Working Group on Lessons Learned

### Concept Note “Justice in Times of Transition”

26 February 2008 10:00 AM to 1:00 PM  
Trusteeship Council

#### Objectives and Rationale

Transitional justice has emerged as a critical issue on the agenda of the UN Peacebuilding Commission (PBC). The prominence of justice issues in the discussions of the strategic frameworks for the first countries on the PBC agenda underscores the urgent need to address past human rights abuse in order to build durable peace. The discussions around transitional justice in other countries, including in Sierra Leone, have demonstrated that while efforts to pursue accountability for past abuses can create tension, transitional justice processes can also actively contribute to stabilization efforts, advancement of the rule of law, and the reconstruction of civic trust.

This session will focus on a comprehensive approach to transitional justice that emphasizes not only judicial mechanisms, such as tribunals, but non-judicial mechanisms and restorative approaches, such as truth-seeking, reparations programs, and institutional reform. By creating an opportunity for PBC members and others to engage with experts and discuss case studies and good practices, the Working Group on Lessons Learned seeks to contribute to an informed debate and to outline creative strategies for the integration of justice claims into the work of the PBC.

The meeting will explore the following key questions:

What is a comprehensive approach to transitional justice?

How can different transitional justice mechanisms support each other and contribute to building durable peace?

What are the contributions of restorative justice theory to a comprehensive approach to transitional justice?

What are the lessons learned and good practices for pursuing transitional justice in post-conflict environments?

How can these lessons learned and good practices guide the Peacebuilding Commission’s support for timely and effective establishment of transitional justice mechanisms in Burundi?

#### Background

The Secretary General’s 2004 Report on The rule of law and transitional justice in conflict and post-conflict societies (S/2004/616) defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation.” The UN has supported and contributed to the development of international legal frameworks that advance transitional justice by upholding the obligation for governments to investigate human rights crimes, and recognizing the right of victims and victimized communities to pursue truth and reparation.

Significantly, amnesties for acts of genocide, war crimes, or crimes against humanity are no longer recognized by the UN and other international actors. Furthermore, the emergence into force of the International Criminal Court in 2002 creates a powerful tool for fighting impunity. These enhanced international and regional norms raise the profile

